

Regular Meeting
Monday, June 7, 2010
6:00 pm
Chowan County Public Safety Center
305 West Freemason Street
Edenton, NC

MINUTES

The Chowan County Board of Commissioners held their regular meeting on Monday, June 7, 2010 at 6:00pm in the lobby of the Chowan County Public Safety Center, 305 West Freemason Street, Edenton, NC.

Present, Chairman Eddy Goodwin, Vice Chairman Emmett Winborne, Commissioner Jimmy Alligood, Commissioner Louis Belfield, Commissioner Kenny Goodwin, Commissioner Ralph Cole, and Commissioner Keith Nixon. Staff present: County Manager Peter Rascoe, Finance Officer Lisa Jones, and Clerk to the Board Susanne Stallings.

Chairman Eddy Goodwin called the meeting to order he then led the group in the pledge.

Manager Peter Rascoe then provided the invocation.

Introduction of new 4H Agent, Elizabeth Stanley

Extension Director Heather Lifsey introduced Elizabeth Stanley the County's new 4H Agent.

Ms. Stanley stated she was excited to be working for Chowan County and North Carolina Cooperative Extension.

Public Comment

Chairman Eddy Goodwin opened the floor to public comment, in accordance with NCGS 153A-52.1

Rich Halbert, Mill Village Resident, stated his apologies for his criticism of the Board of Commissioners. He said he appreciated the Board's work to hold costs and maintain the tax rate. He thanked three specific Board members for their efforts in managing the County's budget and finances.

John Mitchener, 1000 West Queen Street Edenton gave his thanks and appreciation to the County Manager, Peter Rascoe for his work.

Chairman Eddy Goodwin thanked the public for the positive feedback.

Commissioner Winborne stated he felt it was important to give all the credit to all 7 Board members and not just a few.

Consent Agenda

All items on the Consent Agenda are considered to be routine and may be enacted by one motion. If a County Commissioner requests discussion on an item, the item will be removed from the Consent Agenda and considered separately.

a. Tax Release and Collector's Report (attached)

Capital, R.	\$122.01	SITUS – Wake Co.
Dietz, L.	\$122.39	SITUS – Colorado
Enterprise, L.	\$137.82	Included on gross receipts for rental
Granger, E.	\$106.79	SITUS – Perquimans Co.

b. Minutes

Minutes of the April 28, 2010 workshop meeting; May 3, 2010 regular meeting; May 17, 2010 Special Executive Session and May 19, 2010 Public Hearing.

c. Recommended Budget Amendments

BA-0910-118

3839	Miscellaneous	\$ 9,779	Increase revenue from Town of Edenton for reimbursement for November town election expenses
4170	Elections	\$ 9,779	Increase printing expense for Town of Edenton November election

BA-0910-119

3418	Reg of Deeds	\$ 6,225	Increase revenue for automation/preservation set aside per G.S. 161-11.3
4180	Reg of Deeds	\$ 6,225	Increase expense for computer or imaging technology associated with preservation and storage of public records

BA-0910-120

3418	Reg of Deeds	\$ 575	Increase revenue for deed of trust recording fee increases per GS 161-11.5 (revenue projection underestimated)
4180	Reg of Deeds	\$ 575	Increase expense to remit recording fee increase to State of NC general fund for additional fees imposed per State budget

BA-0910-121

3418	Reg of Deeds	\$ 850	Increase revenue for deed of trust filing fee increase per GS 161-11.6 (revenue projection underestimated)
4180	Reg of Deeds	\$ 850	Increase expense to remit deed of trust filing fee increase to NC Dept of Cultural Arts to provide records management & archival services for public records per State budget

BA-0910-122

3418	Deeds	\$ 5,275	Increase revenue from conveyance tax collected at Register of Deeds Office(revenue projection underestimated)
4180	Deeds	\$ 5,275	Increase expense for remittance of conveyance tax to NC Dept of Revenue per NCGS 105-228.30(b)

BA-0910-123

3418	Deeds	\$ 1,200	Increase revenue for marriage license fees (revenue projection underestimated)
4180	Deeds	\$ 1,200	Increase expense to remit marriage license fees to State of NC

BA-0910-124

3839	Miscellaneous	\$ 14,000	Increase revenue for Town of Edenton share of server/software replacement
4210	Info Tech	\$ 2,500	Increase expense for tech support from software company during March 2010 computer failure
9900	Contingency	<u>\$ 11,500</u> \$ 14,000	Increase contingency

BA-0910-125

3326	Soil & Water	\$ 1,600	Increase revenue from property owners benefiting from aquatic weed eradication – 50% of cost to be billed by Division of Water Resources
4730	Soil & Water	\$ 1,600	Increase expense to disburse matching funds to Chowan Soil & Water for costs associated with aquatic weed eradication

BA-0910-126

3326	Soil & Water	\$ 200	Increase revenue from State of NC for matching funds due to state budget cut funding reinstatement
4730	Soil & Water	\$ 200	Increase expense to disburse State match funds to Soil & Water Board

BA-0910-127

3230	Sales Tax	\$144,556	Increase revenue from Article 39 sales tax – revenue projection underestimated
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9841	Contribution	\$144,556	Increase expense for General Fund contribution to PSC capital building project fund (Fund 35) for over expenditures on this building project
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3591	PSC Bldg	\$144,556	Increase revenue for a contribution from General Fund
4310	Reserve	\$144,556	Increase contribution to reserve to cover over expenditures for the capital building project and eliminate negative fund balance

**PUBLIC SAFETY-EMERGENCY OPERATIONS CENTER
AMENDED CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Governing Board of Chowan County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of a public safety/emergency operations center to be financed by grant/loan proceeds and a contribution from the General Fund.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the loan proceeds, grant documents, and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

35-4310-191	Professional Services - BIAC Architects	\$ 742,163.00
35-4310-199	Professional Services-Legal	5,000.00
35-4310-351	Maintenance & Repair-Existing Bldg	1,461.00
35-4310-440	Development/Construction-Ren House	8,777,013.00
35-4310-442	Security System	701,153.00
35-4310-489	Interest	435,203.00
35-4310-510	Equipment/Furnishings	200,000.00
35-4310-570	Land Acquisition	95,729.00
35-4310-999	Contingency	578,434.00
		<u>\$11,536,156.00</u>

Section 4. The following revenues are anticipated to be available to complete this project:

35-3431-230	USDA Loan Proceeds	\$10,956,600.00
35-3325-351	Sales Tax Refund	225,000.00
35-3591-011	Contribution from General Fund	144,556.00
35-3831-491	Interest Earned	210,000.00
		<u>\$11,536,156.00</u>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, grant agreements and federal regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 23rd day of June, 2010.

BA-0910-128

3616	Senior Cntr	\$ 100	Increase revenue from donations received at the Senior Center for home delivered meal program enhancement
4268	Senior Cntr	\$ 100	Increase expense to disburse donations received for home delivered meals program enhancement to Albemarle Commission for cost of providing service

BA-0910-129

3523	DJJDP	\$ 1,885	Decrease revenue from Dept of Juvenile Justice – transfer approved from Psychological Services to the After School Plus Program
5230	DJJDP	\$ 1,885	Decrease expense of court ordered psychological evaluations provided to juveniles – State approved transfer due to no expenses this fiscal year

BA-0910-130

3612	Recreation	\$ 1,885	Increase revenue from the Dept of Juvenile Justice – State approved transfer from Psychological Services Program to After School Plus Program (authorization attached)
6131	Recreation	\$ 1,885	Increase expense for end of year trip for afterschool participants

BA-0910-131

3234	Sales Tax	\$ 73,905	Increase revenue from Article 44 sales tax not budgeted
9820	USDA Contin	\$ 73,905	Increase expenditure from USDA contingency reserve per letter of conditions on loan

BA-0910-132

72	Edtn Hist	\$ 13,997	Increase revenue from fund balance appropriated
72	Ednt Hist	\$ 13,997	Increase expense to disburse grant proceeds remaining for the purpose of managing cannon expenses

BA-0910-133

75	DMV Interest	\$ 3,000	Increase revenue from motor vehicle interest collected on past due motor vehicle tax bills
75	DMV Interest	\$ 3,000	Increase expense to disburse motor vehicle interest to NCDMV per House Bill 1779-Session Law 2005-294

BA-0910-134

3326	Sr Cntr	\$ 540	Increase revenue from Albemarle Commission for health promotions grant activities
4268	Sr Cntr	\$ 540	Increase expense for health risk assessments, health screenings, fitness programs and mental health services (10% match covered by Director's salary)

BA-0910-135

3325	Tax Refunds	\$ 14,900	Decrease revenue from sales tax refunds – revenue now shown as a receivable due to auditor suggestion July 2009
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8200	Work Comp	\$ 14,900	Decrease worker's comp expense – expense over-projected due to premium information received late June 2009
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BA-0910-136

3345	Nuisance	\$ 1,988	Decrease revenue from public nuisance fees received – no County code enforcement
4350	Inspections	\$ 1,988	Decrease travel expense

BA-0910-137

3348	Cable Franch	\$ 2,000	Decrease revenue from cable franchise fees received
8200	Work Comp	\$ 2,000	Decrease worker's comp expense – expense over-projected due to premium information received late June 2009

BA-0910-138

3431	Sheriff	\$20,000	Decrease revenue from Sheriff private donations
4317	Sheriff	\$20,000	Decrease expense to disburse donations for eligible costs

BA-0910-139

3431	Sheriff	\$ 5,600	Decrease revenue from Sheriff Writ of Execution collections – revenue over-projected
4316	Sheriff	\$ 5,600	Decrease expense to disburse Writ of Execution collections

BA-0910-140

3431	Sheriff	\$ 3,000	Decrease revenue from Town of Edenton for reimbursement of inmate transports
4310	Sheriff	\$ 3,000	Decrease expense of automotive fuel for inmate transfers for Town of Edenton inmate work release program

BA-0910-141

3433	Emerg Mngmt	\$ 6,500	Decrease revenue from NC Dept of Crime Control & Public Safety for Hazard Mitigation grant program. Grant ends 6/30/2011 (this will be grant carryover for FY 2010-11)
4331	Emerg Mngmt	\$ 6,500	Decrease expense for Hazard Mitigation grant program costs

BA-0910-142

3436	Central Comm	\$60,000	Decrease revenue from COPS Technology Grant. Grant will be carryover to FY 2010-11; grant expires 12/31/10
4270	Central Comm	\$60,000	Decrease expense for technology needs covered by COPS Technology Grant

BA-0910-143

3471	Gen Fund- Solid Waste	\$ 2,800	Decrease revenue from health septic fees collected in Tax Office – revenue over-projected
4710	Gen Fund- Solid Waste	\$ 2,800	Decrease expense to disburse health septic fees collected to Albemarle Regional Health

BA-0910-144

3591	School	\$ 5,000	Decrease revenue from fines collected by the Clerk of Court
5910	School	\$ 5,000	Decrease expense to disburse fines & forfeitures to Edenton-Chowan schools per NCGS 115C-437

BA-0910-145

3325	Fire	\$ 1,000	Decrease revenue for sales tax refund – revenue shown as receivable due to auditor suggested change July 2010
4340	Fire	\$ 1,000	Decrease “Designated for Future Appropriation”

BA-0910-146

3325	E-911	\$ 1,000	Decrease revenue for sales tax refund – revenue shown as receivable due to auditor suggested change July 2010
4270	E-911	\$ 1,000	Decrease “Designated for Future Appropriation”

BA-0910-147

3325	EMS	\$ 6,000	Decrease revenue for sales tax refund – revenue shown as receivable due to auditor suggested change July 2010
4370	EMS	\$ 6,000	Decrease “Designated for Future Appropriation”

BA-0910-148

3325	Water	\$ 16,000	Decrease revenue for sales tax refund – revenue shown as receivable due to auditor suggested change July 2010
7120	Water	\$ 16,000	Decrease “Designated for Future Appropriation”

BA – 0910-149

3438	Animal Control	\$1,000	Increase revenue from SPCA donations received at the Animal Shelter
4380	Animal Control	\$1,000	Increase expense to remit donations to SPCA

BA-0910-150

3495 Ag Extension	\$2,000	Increase revenue from Ag Extension program fees from Sponsorship and user fees for Ag Extension production Meetings & program supplies
4953 Ag Extension	\$2,000	Increase expense for Ag Extension production meeting & Program supplies (expense under-projected)

BA-0910-151

Fund 40/42	\$1,208	Increase revenue from interest earnings in Fund 40
Fund 40/42	\$1,208	Increase expense for interest on BB&T loan for DF Walker Elementary School debt- amortization schedule revised due To loan refinance 9/15/08

d. Recommended Budget Transfers

BT-0910-009

4150 Legal	\$ 6,000	Decrease expense for legal services
4120 Info Tech	\$ 6,000	Increase professional services due to UNIX computer crash 3/19/10 resulting in loss of backup financial data since 12/1/09. Martin Starnes & Associates will be required to do extended procedures for FY 09-10 outside of normal auditing protocols to verify the re-establishment of correct data. If this is not done, the County will be cited with an audit finding of lack of internal controls accounting for the accuracy of restored data. Projected costs include 2 staff approximately 3-4 days.

BT-0910-012

9900 Contingency	\$ 11,500	Decrease contingency
4241 Hicks Field	<u>\$ 3,600</u>	Decrease Hicks Field utilities (no expense before 6/30/10)
	\$ 15,100	
4120 Admin	\$ 15,100	Increase salary expense for vacation pay out for County Manager

Commissioner Alligood moved that the Board approve items a-d of the consent agenda.
Chairman Eddy Goodwin

e. Senior Nutrition Contract - Resolution

Attached to the Board's agenda packet is the Senior Nutrition Contract between Chowan County and the Albemarle Commission. Requires Board approval per Board resolution. Commissioner Belfield moved that the Board approve the contract, Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

f. Recreation Contract

Commissioner Nixon presented a contract at the request of the recreation director, which he stated is included in the Recreation Department budget.

Robbie Laughton stated that the contract is used for private homeowners to provide their pool for swimming lessons as provided by the recreation department.

Chairman Eddy Goodwin asked for clarification on legal liabilities of the County and homeowner.

Mr. Rascoe stated that the contract covers the County and is liability insurance covers the use of the pool.

Commissioner Nixon moved that the Board approve the contract, Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

g. Southern Health Partners

Sheriff Dwayne Goodwin presented an amendment of the Jail Medical Contract between Chowan County and Southern Health Partners he added that through negotiations between he and Southern Health the results were a savings of \$20,000 annually for the County.

Commissioner Alligood moved that the Board approve the contract. Chairman Eddy Goodwin asked for all in favor, the motion carried unanimously (7-0).

h. Recreation – grant position

Robbie Laughton requested permission as required by Board policy to hire one part-time position that was grant funded and covered by registration fees. He noted that this position is also included in his approved budget.

Commissioner Belfield moved that the Board approve the request. Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

i. Amendment to Board policy

Commissioner Nixon stated that his motion at a previous meeting was to freeze all hiring for positions excluding EMS. He stated that he would like make a motion to amend the policy to state that all budgetary approved part-time and temporary positions should also be excluded.

Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

j. East Carolina Behavioral Health

Mr. Rascoe stated that on March 1, 2010 the Board resolved by vote to join East Carolina Behavioral Health area authority to provide mental health, substance abuse and developmental disabilities services for Chowan County pursuant to NCGS §122C-115. Attached to the Board's agenda packed is the proposed consolidation agreement (and letter clarifying costs) for the Board's consideration. He stated that the managers are still negotiating the use of the properties owned to fund the retirement insurance for Albemarle Mental Health employees.

Commissioner Alligood moved that the Board approve the consolidation agreement with the contingency in the attached letter regarding the real estate.

Commissioner Nixon asked if the Attorney reviewed this.

Mr. Rascoe stated that he also represents the Albemarle Mental Health and was informed of the contingency.

Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

k. Disaster Debris Removal Contract

Cord Palmer, Emergency Management Coordinator presented, pursuant to FEMA reimbursement guidelines a pre-position debris removal contract with a qualified company. He presented a proposed joint contract with the Town of Edenton and the proposed provider as recommended by the Emergency Management Coordinator with Crowder Gulf. He noted that of the 4 received, only 2 were qualified. He noted that there is no upfront cost to the County and only unless activated would there be a costs, which are reimbursable by FEMA.

Commissioner Alligood moved to approve the contract with Crowder Gulf. Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Public Hearing - Case No. CC-TA-10-01

Mr. Rascoe presented a request from Chauncey and Sally Krahenbill to amend the Chowan County Zoning Ordinance; Article VI, to amend language in Section 6.03 (c), Encroachments into Required Setbacks. He stated that the Chowan County Planning Board has heard the matter and recommends the Board of Commissioners approve the amendment to the ordinance. He noted that staff researched and talked with other counties and could not find why Chowan's ordinance did not allow pools.

Lars Simenson, attorney representing the Krahenbills stated that the definition of a swimming pool is open for interpretation. He stated that the zoning ordinance allows for ornamental pools, but there is no definition for the size of an ornamental pool. He stated the pool will have the required 48" fence. He stated that the owners and staff have not indicated any safety concerns and the property is located on a dead end road. He noted that the pool is going to be 16' from the right of way.

Commissioner Winborne asked if a variance was an option for the request.

Mr. Rascoe stated that a variance would not apply in this circumstance due to the hardship requirements.

Commissioner Alligood moved that the Board approve the request.

Commissioner Nixon stated his concern and stated that the Board's priority is public safety and stated he would like to hear the County Attorney's opinion on the request.

Chairman Eddy Goodwin opened the floor for the Public Hearing. (there was no public comment).

Chairman Eddy Goodwin then closed the public hearing. Being no further discussion he asked for all in favor, the motion passed (6-1 Nixon).

Commissioner Nixon added that he supported the action, but not the amendment of the ordinance for such.

Board Appointments

Commissioner Belfield moved that the Board begin advertisement of the following vacancies and appoint or reappoint the following persons:

Shepard – Pruden Memorial Library

The Board of Trustees has requested that Dossey Pruden be retroactively re-appointed for a second term on the Board of Trustees for the library.

Chowan County Planning Board

Three (3) seats on the County Planning Board are up for re-appointment. One of the three members, Jim Leggett has requested reappointment.

Chowan County Board of Adjustment

Three (3) seats on the County Board of Adjustment are up for re-appointment. Only one of the three members, Charles Britton has requested reappointment.

Town of Edenton Planning Board

Two seats on the Town of Edenton Planning Board (ETJ seats) that are appointed by the County have expired and need appointment. One of the members is no longer eligible because they do not live within the ETJ.

ABC Board

The Board may recall that in July 2009 the Board of Commissioners voted to stagger the terms of the ABC Board to remain in compliance with NCGS§18B-700 (a). Haywood Costen has served one year of the three year staggered term and is eligible for re-appointment to a second three year term. Mr. Costen has indicated that he is interested in reappointment. The Board will also reappoint Mr. Costen as the Chairman.

Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Internal Committee Reports

Public Safety Committee

Chairman Eddy Goodwin stated that the Public Safety Committee met and reviewed the recommended the following resolution.

Resolution in Support of Enhanced Coyote Nuisance Removal

Whereas the population of coyotes in Chowan County has been a continuing public nuisance in the form of a threat to domestic livestock, pets, and humans; and

Whereas the licensed trapping of coyotes has been found by the North Carolina Wildlife Resources Commission (WRC) to have significant potential for improving the success rate in dealing with predator coyotes; and

Whereas the WRC has found that the taking of coyotes by trappers increases during overlapping coyote and fox trapping seasons; and

Whereas although coyotes may be trapped during WRC established seasons, foxes must be released if taken outside of a county's fox trapping season; and by adding foxes to the species that may be taken with traps under WRC established seasons, the rate of trapping predator coyotes incidental to the concurrent trapping and taking of foxes will potentially increase.

Now Therefore, the Chowan County Board of Commissioners does resolve that it concurs with the findings of the WRC that have been presented to the North Carolina General Assembly House Select Committee on Coyote Nuisance Removal on April 16, 2010, and does further resolve and respectfully request that the Honorable State Senator Ed Jones and the Honorable State Representative Tim Spear introduce legislation on behalf of Chowan County commensurate with the findings of the WRC described herein, and specifically that Session Law 2009-43 effective October 1, 2009 be now amended to include Chowan County, and that Session Law 1999-301 (adds Chowan County to Session Law 1989-128) be amended if necessary to conform with this action.

This the 7th day of June, 2010.

Chairman Eddy Goodwin asked for all in favor of the resolution. The recommendation from the committee passed unanimously (7-0).

Chairman Eddy Goodwin stated the committee reviewed and approved a request as statutorily required fireworks and letter with three contingencies. (A copy of the application and letter are in the meeting file labeled June 7, 2010).

Fire Chief Westbrook stated that the applicant has provided the required certifications.

Chairman Eddy Goodwin asked for all in favor of the committee recommendation, the motion passed unanimously (7-0).

Real Property Sale

Mr. Rascoe presented the following bids in accordance with NCGS § 153A-176 and §160A-269. He stated Chowan County has received bids to purchase the following real properties adding that the bids have been advertised for the required 10 day period.

Bid in the amount of \$500 to purchase real property owned by Chowan County located at 208 West Gale Street and described as a .04 acre tract in the Edenton Township Chowan County. PIN # 7805-19-50-7200

Bid in the amount of \$200 to purchase real property owned by Chowan County located adjacent to 228 Happy Home Road and described as .05 acre tract in the Rocky Hock Township Chowan County. PIN #7900-00-49-2602

Bid in the amount of \$1,000 to purchase real property owned by Chowan County located at 221 Apache Trail and described as .12 acre tract in the Rocky Hock Township Chowan County. PIN #6970-07-67-5749

Commissioner Alligood moved that the Board accept the offers.

Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Real Property Offer

Mr. Rascoe noted that in February 2009, the Planning/Enterprise Committee authorized the advertisement of bids for the following County owned property.

Former Gliden Rescue Squad property, 239 Gliden Road, Hobbsville, NC. Property consists of 1,500 square foot steel frame building and 1.02 acre lot as described in Deed Book 137, page 71 of the Chowan County Public Registry.

PIN# 7904-00-24-8086.

Chowan County Use Zone: A-1, Agricultural District

Current Chowan County assessed tax valuation = \$62,914

He stated that an offer has been submitted for the Board's consideration, if accepted for advertisement, the Board would be required to advertise the bid for the required 10 day upset bid period.

Commissioner Nixon moved that the Board accept the offer of \$45,000 and require the buyer to assume all additional costs excluding the costs of deed preparation.

Chairman Eddy Goodwin asked for all in favor, the motion passed (6-1 Winborne)

Code of Ethics Policy – Resolution Chowan County

Board Clerk, Susanne Stallings stated that the County Attorney, John Morrison has provided the Board with a Code of Ethics for the Chowan County Board of Commissioners as required by recent legislation passed by the General Assembly. She stated that the new legislation requires that the Board of Commissioners have a policy in place by January 1, 2011.

Mr. Rascoe stated that the employee's code of ethics are included in the personnel manual.

Commissioner Belfield moved that the Board approve the code of ethics as presented. Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Code of Ethics for Chowan County Board of Commissioners

Preamble

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to the fundamental principles is absolutely necessary to preserve the blessings of liberty," and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, *Esse quam videri*, "To be rather than to seem," and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this County, and with obeying the law, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the County of Chowan and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Chowan County Board of Commissioners do hereby adopt the following General Principles and Code of Ethics to guide the Board of County Commissioners in its lawful decision-making.

General Principles Underlying the Code of Ethics

☐ The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

☐ Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

☐ Board members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

☐ Board members must always remain aware that at various times they play different roles:

- As advocates, who strive to advance the legitimate needs of their citizens
- As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders and resolutions
- As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.

☐ Board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

☐ Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

Code of Ethics

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Chowan County Board of Commissioners and to determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1. Board members should obey all laws applicable to their official actions as members of the Board. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhere firmly to a code of sound values
- Behaving consistently and with respect toward everyone with whom they interact
- Exhibiting trustworthiness
- Living as if they are on duty as elected officials regardless of where they are or what they are doing
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other board members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Not reaching conclusions on issues until all sides have been heard
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognized that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and that the board must take official action as a body

Section 3.a. Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

Section 3.b. If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4. Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

External Board/Committee Report

Commissioner Cole reported that DSS Director Clifton Hardison has found a savings in Smart Start for the County of \$30,000. He stated that Mr. Hardison has worked hard for the County since being hired and was doing a great job. He added that the new COA president is working with the Board now on developing mission statements. He added that the Hospital Directors Council received its quarterly reports at the June meeting.

Commissioner Belfield detailed the activities of the JCPC council and the Albemarle Regional Health Services Board noting the finances were in good shape for ARHS.

Commissioner Kenny Goodwin noted that the Albemarle Commission Board met and he voted against their proposed budget because of proposed cost of living increases for its employees.

Chairman Eddy Goodwin recessed the meeting for 15 minutes.

After 15 minutes, Chairman Eddy Goodwin called the meeting to order.

FY 2010-11 Budget

Commissioner Kenny Goodwin stated that the Finance Sub Committee met and reviewed two items to amend the proposed budget.

1. \$40,000 for 2 nights per week coverage at Unit 4
2. Increase of \$18,000 annually for increased employee health insurance premiums

Mr. Rascoe noted that the action of the Board would amend sections 25-29 and amend the Section 27 for the Human resources component.

Commissioner Kenny Goodwin asked if the Board could provide a "loan" from the General Fund to the EMS Fund to cover the expense of the \$40,000 increase for Unit 3/Unit 4 coverage.

Commissioner Cole asked if the auditor would require a payback in a specific time period.

Mr. Rascoe stated this is the desire of the auditor.

Commissioner Kenny Goodwin moved that the Board fund \$40,000 from contribution to reserve to be paid back by June 30, 2011 or as soon as possible.

Commissioner Winborne stated that if collections by EMS increase, the monies should be paid back sooner rather than later.

Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Commissioner Kenny Goodwin stated that he felt the \$20,000 savings in the Sheriff budget could be used to fund the increase in the employee health insurance premium. He then made a motion that the \$18,000 be pulled from the proposed Sheriff budget to fund the increase in employee health insurance premium.

Commissioner Nixon stated he has discussed this with the Sheriff and the Sheriff was aware that the monies may be pulled out.

Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Commissioner Alligood stated his concern over the reduced funding to EMS and felt the de-fibs and new ambulance are necessary items for public safety. He said he would like to see these items put back in the EMS proposed budget.

Commissioner Nixon stated that the EMS director has \$250,000 in the fund to work with and may come back to the full board to request capital purchases.

Mr. Rascoe stated that the auditor will have a better idea after completion of the audit the fund balance in the EMS fund. He suggested that the EMS director come back in August to make an amendment to the budget for capital requests.

Commissioner Alligood stated he was satisfied with this idea.

Commissioner Nixon asked if any retirements have been announced.

Mr. Rascoe stated 5-6 employees are eligible.

Commissioner Kenny Goodwin stated that the Board has an SOC in place to plan to fix the Valhalla Water Plant discharge violation. He stated he has spoken with the Water Department Director and Mr. Lories understands the need to build the capital reserves in the Water Fund. He stated that \$154,000 is the total savings negotiated between he and the Water Supervisor

- \$proposed additional for Water Tank repairs (bid came in low)

- \$20,000 for ½ ton truck

- \$40,000 for excavator

- \$4,000 for a trailer

- \$40,000 for radio meters.

Mr. Lokies stated he agreed with this and wanted to work with the Board. He stated he would like to be able to request capital should a need arise in the water department.

Commissioner Kenny Goodwin moved that the Board pull \$154,000 from the capital outlay request for the Water Fund and put the monies in designated for future appropriation. He stated that if needed the Water Supervisor may come and make a request for a transfer these monies if a need arises.

Ms. Jones concurred that this could be done.

Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Commissioner Nixon stated that the Board kept the total budget for the county close to the \$16million mark by holding the line. He stated the Board has increased its reserves and reduced its liability this past fiscal year. Commissioner Nixon also moved to amend Section 27 of the Budget Ordinance based on the motion earlier (consent agenda)

Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0)

Mr. Rascoe gave information on the following budget topics:

- If Gliden Rescue building sells, there would be a 60 day window to move the elections polling place and the budget for Elections would need to be increased \$200
- \$5,000 are spent annually for road signs, the money is absorbed in the Water Fund. He stated the General Fund would need to cover this expense.
- The County has assumed ownership of the Fishing Pier, utilities are not budgeted in the FY10-11 budget, and Lisa will monitor the utility bills for this site. Ribbon cutting is scheduled for June 18th.

Commissioner Winborne stated that it is his pleasure to move that the Board of Commissioner adopt the FY 2010-11 budget ordinance with the proposed amendments as discussed and voted upon by the Board.

Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Finance Report

Finance Officer Lisa Jones provided the finance reports for the months of March, April and May. (a copy of the report is in the meeting file labeled June 7, 2010).

Commissioner Winborne asked if any departments are turning money back in.

Ms. Jones stated that many are turning in 5-20%. She stated that there are no crisis, but the utilities are being monitored closely.

Commissioner Nixon stated he would like to see some reports on the collections in EMS and reports prepared by the auditor on certain funds.

Ms. Jones noted the generator project is scheduled to be paid off in December 2010.

Manager's Report

Mr. Rascoe highlighted the following items in the Manager's Report:

- Officials have reported a plane crash at the Edenton Airport with two victims, only one survivor.
- Certifications for EM, 911, Rescue and EMS have been received and all are certified.

Mr. Rascoe stated that he has enjoyed his 10 years working with Chowan County. He stated that staff is committed. He stated that the fiscal crisis of two years ago changed people and all are committed to making the finances of Chowan County work. He stated he will remain a resident of Chowan County for a while. He presented the Board with an auditor's certification on himself as the Manager and the report states that he is satisfied with the performance of Mr. Rascoe (a copy of this report is in the meeting file labeled June 7, 2010).

Resolution- Peter Rascoe

Chairman Eddy Goodwin presented and asked the clerk to read the following resolution into the record:

RESOLUTION

Honoring J. Peter Rascoe, III for his service to Chowan County

WHEREAS, Peter Rascoe began public service to Chowan County on August 1, 2000 when he was appointed Special Projects Officer; and,

WHEREAS, Peter Rascoe served as the County Staff Attorney and Special Projects Officer to Chowan County from August 18, 2003 to June 15, 2008; and,

WHEREAS, Peter Rascoe was appointed Chowan County Manager on June 16, 2008; and,

WHEREAS, in July 2008 the Board learned its FY 2008-09 budget would have to be revised due to a \$4.28 million shortfall because of overstatement of projected revenues in the approved budget; and,

WHEREAS, the Board also learned its \$20 million cash reserves had dwindled to \$723,000 and immediately following the county began experiencing a cash flow shortage, and,

WHEREAS, all of these events surfaced within two weeks of the retirement of the previous County Manager; and,

WHEREAS, under the leadership of County Manager Peter Rascoe, the Board revised the FY 2008-09 budget to meet anticipated revenues; and,

WHEREAS, subsequent FY2009-10 and FY2010-11 budgets have been written to meet reasonably anticipated revenues and expenses; and,

WHEREAS, as statutory Budget Officer, Peter Rascoe monitored departmental budgets to ensure that revenue projections were being met and expenses did not exceed appropriations; and,

NOW, THEREFORE, BE IT RESOLVED that the Chowan County Board of Commissioners recognizes, appreciates, and honors the service of Peter Rascoe to Chowan County and the Chowan County Board of Commissioners.

ADOPTED 7th day of June, 2010

Chairman Eddy Goodwin moved that the Board approve the resolution. Vice Chairman Emmett Winborne asked for all in favor, the motion passed unanimously (7-0).

Timely and Important Matters

Lisa Jones presented a contract for the Albemarle Commission for in home services (Adult Day Care). She stated the local match was high and not included in the budget, however the Albemarle Commission will cover the increase in the match.

Commissioner Alligood moved that the Board approve the contract as submitted. Chairman Eddy Goodwin asked for all in favor (7-0).

Being no further business, the meeting was adjourned.

Edward C. Goodwin, Chairman

L. Susanne Stallings, Clerk